



**CITY OF PROSSER, WASHINGTON  
PLANNING COMMISSION  
AGENDA  
6:00 P.M.  
November 17, 2016**

- 1. Call to Order by Chair.**
- 2. Roll Call.**
- 3. Minutes August 18, 2016 (to be handed out at meeting)**  
ACTION: Approve, deny, or make changes.
- 4. Comprehensive Plan Update**  
Review work and UGA reductions
- 5. Addon-Public Hearing for Rezones of proposed annexation parcels.**  
ACTION: Continue Public Hearing to December 15, 2016
- 6. Adjournment**

## **Future Items**

- **Marijuana Regulation Review**  
Planning Commission will begin the review process in December.



FILE COPY

**CITY OF PROSSER, WASHINGTON**  
**NOTICE OF COMPLETE APPLICATION AND**  
**OPTIONAL DETERMINATION OF NONSIGNIFICANCE [DNS]**  
**NOTICE OF PUBLIC HEARING**  
November 17, and December 15, 2016 at 6:00 p.m.

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**Notice of Application and Optional Determination of Non-significance posted  
November 9, 2016**

**Type of Application: SEPA Checklist**  
**Date of Application: November 2, 2016**  
**Name of Applicant: City of Prosser**  
**Location of Project: 2 separate areas consisting of multiple properties.**

**Description of proposed project: Rezone of two separate areas identified below.**

**Area 1**



**REZONE TO COMMERCIAL GENERAL (CG) Parcels located north along  
County Route 12 west of the County Route 12 and Wine Country  
Road / Gap Road intersection to include that portion of County  
Route 12 adjacent to the proposed annexation site. The parcels  
having the following legal descriptions;**

Parcel # 1-3494-100-0011-000: Villareal Family Trust  
Section 34 Township 9 North Range 24: Portion Defined as follows:  
That Portion of the North One/Half of the Southwest Quarter of the  
Northeast Quarter, Lying Northeasterly Of State Highway SR-12 and

Southwesterly of the Following Described Line: Beginning at a Point Opposite HES LE 1160+39.72 on the LE Line Centerline of said Highway and 100 Feet Southwesterly therefrom: Thence South-Easterly Parallel with Said LE Line Centerline to a Point Opposite HES LE 1170+00: Thence Southeasterly in a Straight Line To A Point oppostie HES WG 0+00 on the WG Line Centerline Of Said Highway and 80 Feet Southwesterly Therefrom: Thence Southeasterly In A Straight line To A Point Opposite HES WG 2+63.65 P.C. And 100 Feet Southwest-Erly Therefrom and the End Of Said Description, Except The West 560 Feet Thereof. Irrigation Easement 7-21-76.

Parcel # 1-3494-100-0010-000: Villareal Family Trust

Section 34 Township 9 North Range 24: The West 560 Feet of the North One/Half of the Southwest Quarter of the Northeast Quarter, Northeast of Highway, Except the West 20 Feet for Road 3-23-76. Less State Route 82, 9-9-76. Irrigation Easement.

Parcel # 1-3494-100-0021-000: Tzib, Roy & Elvira

Section 34 Township 9 Range 24: the Southeasterly 250.6 Feet, as measured along the North Line of State Highway No 3. of the Following Described Property: That Portion of the South Half of the Southwest Quarter of the Northeast Quarter of Section 34, Township 9 North, Range 24 East, W.M., Benton County, Washington, Described As Follows: Beginning at the intersection of the East Line of said Subdivision and the North Line of State Highway No 3; Thence North 1°21' East along Said East Line 512.3 Feet; Thence South 62°00' West 382.1 feet To the North Line of Said Highway; Thence along Said Northline South 44°29' East 466.6 Feet To the Point of Beginning; Except That Portion of the South Half of the Southwest Quarter of the Northeast Quarter of Section 34, Township 9 North, Range 24 East, W.M., Benton County, Washington, Described As Follows: Beginning At the Intersection of the East Line of Said Subdivision And the North Line of State Highway No 3; Thence North 44°29' West along the North Side of Said Highway 36 Feet; Thence, At A Right angle, North 45°31' East 37.06 Feet, More Or Less, To the East Line of Said Subdivision; Thence South 1°21' West along Said East Subdivision Line 51.67 Feet To the Point of Beginning. (Per Survey #3466, Recorded 4/26/2005)

Parcel # 1-3494-100-0019-000: Buffington, Tim

Section 34, Township 9 North, Range 24: Portion of the South One/Half of the Southwest Quarter of the Northeast Quarter, Defined As Follows: Beginning At The Intersection of East Line of Said Subdivision And North Line of State Highway #3: Thence North 1° 21' East along Said East Line 512.3 Feet to True Point of Beginning: Thence South 62° West 382.1 Feet to The North Line of State Highway: Thence North along Said Highway to North Line of Said Subdivision: Thence East along North Line Thereof to East Line Thereof: Thence South along East Line to True Point of Beginning: Less State Route 82, 10-27-76. Judgment 4-25-77.

Parcel # 1-3494-400-0001-000: Powell Distributing LP

Section 34 Township 9 North Range 24: The North One/Half of the Northeast Quarter of the Southeast Quarter, North of Highway (SR 12) and West Of Gap Road Interchange: (Description Change 12-1-77). Less Portion for State Route 82, 4-8-76. Drainage Easement 4-8-76.

Parcel # 1-3494-100-0022-000: Powell Distributing LP

Section 34, Township 9 North, Range 24: the South One/Half of the

Southeast Quarter of the Northeast Quarter: Together with That Portion Defined As Follows: That Portion of the South One/Half of Southwest Quarter of the Northeast Quarter, Defined As Follows: Beginning At the Intersection of the East Line of Said Subdivision And the North Line of State Highway #3: Thence North 44° 29' West along the North Line of Said Highway 36 Feet: Thence at a Right Angle North 45° 31' East 37.06 Feet, More Or Less, To the East Line of Said Subdivision: Thence South 1° 21' West along Said East Subdivision Line 51.67 Feet To the Point of Beginning: Description Change 1-3-86. Less to State Route 82, 4-30-76. (2) Perpendicular Easement 4-30-76. REA Easement 8-5-61.

Parcel # 1-3494-100-0020-000: Equity Trust Co

Section 34, Township 9 North, Range 24: That Portion Of the South One/Half Of the Southwest Quarter Of the Northeast Quarter, Defined as Follows: Beginning At A Point Of Intersection Of the East Line Of Said Subdivision and North Line Of State Highway #3: Thence North 1° 21' East Along Said East Line 512.3 Feet: Thence South 62° 00' West 382.1 Feet to North Line Of Said Highway: Thence Along Said North Line South 44° 29' East 466.6 Feet to Point Of Beginning: Less the Southeasterly 250.6 Feet as Measured Along the North Line Of State Highway #3 Thereof (Description Change 7-12-71). Less to State Route 82 9-17-76.

Together with all Right-Of-Way for Wine Country Road also known as County Route 12 adjacent to the most Northernly Pont of the annexation.

## Area 2



**REZONE TO INDUSTRIAL LIGHT (IL) Parcels located east along State Route 22 and north of State Route 221. The parcels having the following legal descriptions;**

Lots 1 and 2 of Short Plat Number 1408, recorded on July 9, 1984, in Book 1 of Short Plats at Page 1408, under Benton County Auditor's Recording Number 898524, records of Benton County, State of Washington.

**Other permits:**

The following additional permits are associated with this application: SEPA Checklist

The following studies have been required pursuant to RCW 36.70B.070: SEPA Checklist

**Preliminary determination of consistency:**

The City has determined that this application is consistent with the City's Development Regulations and Comprehensive Plan.

**Environmental Review:** The City is using the optional process contained in Washington Administrative Code (WAC) Section 197-11-355 to make its threshold determination. The City expects to issue a **Determination of Non-significance (DNS)** for this project. This may be your only opportunity to comment on the environmental impacts of the proposed project. A copy of the subsequent Threshold Determination for the project may be obtained upon request. The lead agency, the City of Prosser, will not act on this proposal for 14 days from the published date below.

**City of Prosser Contact:** Prosser City Clerk.

**Comments:** The public is invited to comment on the application and environmental review. The public comment period shall be **15-days and will begin November 9, 2016**. All public comments received on the Notice of Application must be received by the City of Prosser **no later than 5:00 pm, November 25<sup>th</sup>, 2016**. Comments may be mailed or personally delivered to the;

Attn: Prosser City Clerk  
601 7<sup>th</sup> Street,  
Prosser, Washington, 99350

All available information and related documents for the application may be viewed at the City Clerk's Office, located at Prosser City Hall, 601 7th Street, Prosser, Washington, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, excluding official holidays or may be viewed at [www.cityofprosser.com](http://www.cityofprosser.com). All interested persons may appear and provide testimony or provide written testimony at the public hearing or prior to the public hearing.

The person(s) receiving this notice may request a copy of the final decision in this matter.

The final decisions may be appealed in accordance with the Land Use Petition Act (RCW 36.70C).

## PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** by the undersigned City Planner of the City of Prosser, Washington, that the Planning Commission will hold a Public Hearing on November 17, and December 15, 2016 at 6:00 p.m., or as soon thereafter as possible, in the City Council Chambers, City Hall, 601 7<sup>th</sup> Street, Prosser, Washington, for the purpose of receiving public comment on the proposed rezones. The City Hall Council Chambers is wheelchair accessible. American with Disabilities Act (ADA) accommodations are available upon request to the City Clerk at least 2 days in advance by calling (509) 786-2332.

All available information and related documents for the application may be viewed at the City Clerk's Office, located at Prosser City Hall, 601 7th St, Prosser, Washington, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, excluding official holidays, or may be viewed at [www.cityofprosser.com](http://www.cityofprosser.com).

The person(s) receiving this notice may request a copy of the final decision in this matter.

The final decisions may be appealed in accordance with the Land Use Petition Act (RCW 36.70C).

Dated: November 8 2016

  
\_\_\_\_\_  
Steve Zetz  
City Planner  
City of Prosser

Published: Prosser Record Bulletin  
Publish Date: November 9, 2016

# SEPA ENVIRONMENTAL CHECKLIST

## ***Purpose of checklist:***

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

## ***Instructions for applicants:***

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

## ***Instructions for Lead Agencies:***

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

## ***Use of checklist for nonproject proposals:***

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

## **A. Background**

1. Name of proposed project, if applicable: Rezone of Annexation Areas
2. Name of applicant: City of Prosser
3. Address and phone number of applicant and contact person:  
Steve Zetz-Prosser City Planner

601 7<sup>th</sup> Street  
Prosser WA 99350

4. Date checklist prepared: November 1, 2016
5. Agency requesting checklist: City of Prosser
6. Proposed timing or schedule (including phasing, if applicable): 2016
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

Not at this time

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

SEPA checklist

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

NA

10. List any government approvals or permits that will be needed for your proposal, if known.

None

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

Zoning of two separate areas to be annexed into the City of Prosser. One area will be zoned Commercial General (CG) the other area will be zoned Industrial Light, both designations are consistent with the Comprehensive Plan Land Use Map

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

## Area 1



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## Area 2



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~~**B. ENVIRONMENTAL ELEMENTS**~~

*Non-project action  
go to section C/D*

**1. Earth**

a. General description of the site:

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other \_\_\_\_\_

b. What is the steepest slope on the site (approximate percent slope)?

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

**2. Air**

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

h. Proposed measures to reduce or control transportation impacts, if any:

**15. Public Services**

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

b. Proposed measures to reduce or control direct impacts on public services, if any.

**16. Utilities**

a. Circle utilities currently available at the site:  
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,  
other \_\_\_\_\_

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

**C. Signature**

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: 

Name of signee Steve Zets

Position and Agency/Organization City of Prosser Planner

Date Submitted: 11-3-16

**D. supplemental sheet for nonproject actions**

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

**The proposed rezone will not impact the or contribute to the above listed impacts. At the time of Development the applicant will have to identify and mitigate any impacts generated by the development.**

Proposed measures to avoid or reduce such increases are: NA

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

**The proposed rezone will not impact the or contribute to the above listed impacts. At the time of Development the applicant will have to identify and mitigate any impacts generated by the development.**

Proposed measures to protect or conserve plants, animals, fish, or marine life are: NA

3. How would the proposal be likely to deplete energy or natural resources?

**It is unknown how the rezone could potentially impact energy and natural resources. At the time of actual development the applicant will have to identify and mitigate any impacts generated by the development.**

Proposed measures to protect or conserve energy and natural resources are: NA

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

**The City of Prosser protects its environment through its shorelines, wetland, and critical areas ordinances. At the time of actual development a SEPA checklist must be submitted identifying specific impacts and mitigation measures to reduce or eliminate those impacts. None of the properties being zoned appear to be within shoreline jurisdiction nor are any in any critical area or wetland area.**

Proposed measures to protect such resources or to avoid or reduce impacts are: N/A

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

**None of the areas being zoned are within shoreline jurisdiction.**

Proposed measures to avoid or reduce shoreline and land use impacts are:

N/A

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

**The proposed rezone will not impact the or contribute to the above listed impacts. At the time of Development the applicant will have to identify and mitigate any impacts generated by the development. Property 2 has a break in access to SR 221 allowing it direct access to that state highway.**

Proposed measures to reduce or respond to such demand(s) are: **NA**

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

**The proposed rezones are consistent with the Prosser Comprehensive Plan and Land Use Designation Map.**



# LAND USE ZONING & PERMIT APPLICATION

## CITY OF PROSSER, WASHINGTON

APPLICANT'S NAME City of Prosser

PROJECT NAME Rezone - Annexations

**PARCEL INFORMATION** (Include all parcel(s) information. Attach additional sheets, if necessary.)

Project Address: CR 12 / Panoramic Properties  
(Leave blank if not assigned)

Parcel Number (Property Tax Account Number): see attached legal's + notice

Legal Description: see attached SEPA

**PROPERTY OWNER INFORMATION**

Name: see attached

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Email: \_\_\_\_\_ (email will not be used for transmittal of official findings)

OWNERS AUTHORIZED AGENT: Steve Zetz - City Planner

Address: 601 7th st City: Prosser State: WA Zip: 99350

Phone: (509) 786-2332 Cell Phone: \_\_\_\_\_

Email: szetz@cityofprosser.com (email will not be used for transmittal of official findings)

**PROJECT INFORMATION**

- |  |   |
|--|---|
| <input type="checkbox"/> Site Review               | <input type="checkbox"/> Conditional Use (requires Conditional Use form LUA-S1)     |
| <input type="checkbox"/> Annexation                | <input type="checkbox"/> Variance (requires Variance request form LUA-S2)           |
| <input checked="" type="checkbox"/> Change of Zone | <input type="checkbox"/> Similar Use  |
| <input type="checkbox"/> Accessory Dwelling Unit   | <input type="checkbox"/> Encroachment   |
| <input type="checkbox"/> Overlay Zone              | <input type="checkbox"/> Adult Family Home  |
| <input type="checkbox"/> Right-of-Way Use Permit   | <input type="checkbox"/> Continuation and/or Minor Alteration of Non-Conforming Use |
| <input type="checkbox"/> Other                     | <input checked="" type="checkbox"/> SEPA  |

PROJECT DESCRIPTION Rezone of 2 separate annexation areas consisting of multiple parcels. One are is to be rezoned (CG) and the other rezoned (FL)

City of Prosser  
601 7<sup>th</sup> Street  
Prosser WA 99350  
(509) 786-2332

**PLEASE ATTACH THE REQUIRED VICINITY MAP**

ESTIMATED PROJECT VALUATION: \$ N/A

**CONTRACTOR INFORMATION**

Company Name: \_\_\_\_\_ Email: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Contact Phone: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Contractor's Registration No.: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

I, the undersigned, do hereby certify that, to the best of my knowledge, the information on this application and other submitted information is true and correct. In addition, I understand that acceptance of this application and fees does not constitute submittal of a valid application until so informed by the City. I have attached, enclosed, or submitted the applicable fees for this application.

[Signature] 11-2-16  
Applicant Signature Date

\_\_\_\_\_  
Owner Signature Date

If the property owner is other than an individual such as a corporation, partnership or agency, please provide proof of signatory authorization.

<p><b>SITE REVIEW</b> <b><u>Application must include the following.</u></b></p> <ol style="list-style-type: none"><li>Critical Areas Worksheet</li><li>Proof of Legal Lot</li><li>Proof of ownership or authority</li><li>25 year Storm Water Calculations stamped by an engineer</li><li>Site Plan Drawing which shows...<ul style="list-style-type: none"><li><input type="checkbox"/> All existing and proposed lot lines.</li><li><input type="checkbox"/> The location of all existing structures to remain and the location of all proposed structures.</li><li><input type="checkbox"/> The location of all utilities proposed to be used.</li><li><input type="checkbox"/> The proposed number and location of water meters.</li><li><input type="checkbox"/> The location of all solid waste receptacle areas.</li><li><input type="checkbox"/> The method of handling storm water removal.</li><li><input type="checkbox"/> All easements and right-of-ways.</li><li><input type="checkbox"/> All off-street parking and loading areas.</li><li><input type="checkbox"/> All driveway locations.</li><li><input type="checkbox"/> All landscaping, outdoor lighting and fencing..</li><li><input type="checkbox"/> A north arrow.</li><li><input type="checkbox"/> Scale of drawing</li></ul></li></ol>	<p>Deposits are required at the time an application is submitted. You will still get a monthly bill for actual costs incurred. Your deposit will not be refunded until the project has closed.</p> <table><tr><td>SITE REVIEW</td><td>\$500.00 Deposit</td></tr><tr><td>VARIANCE</td><td>\$500.00 Deposit</td></tr><tr><td>SITE REVIEW</td><td>\$500.00 Deposit</td></tr><tr><td>SEPA</td><td>\$500.00 Deposit</td></tr><tr><td>ANNEXATION</td><td>\$500.00 Deposit</td></tr><tr><td>ZONE CHANGE</td><td>\$1000.00 Deposit</td></tr><tr><td>CONDITIONAL USE</td><td>\$500.00 Deposit</td></tr></table>	SITE REVIEW	\$500.00 Deposit	VARIANCE	\$500.00 Deposit	SITE REVIEW	\$500.00 Deposit	SEPA	\$500.00 Deposit	ANNEXATION	\$500.00 Deposit	ZONE CHANGE	\$1000.00 Deposit	CONDITIONAL USE	\$500.00 Deposit
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**CITY USE ONLY**

RECIEVED BY \_\_\_\_\_ DATE \_\_\_\_\_

APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_

RETURNED BY \_\_\_\_\_ DATE \_\_\_\_\_

REASON FOR APPLICATION RETURN \_\_\_\_\_

**CITY OF PROSSER, WASHINGTON  
RESOLUTION NO. 16-1533**

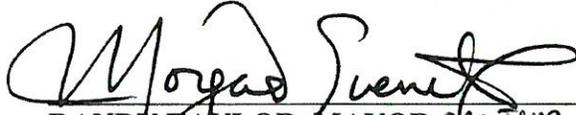
**A RESOLUTION ADOPTING ADDITIONAL FINDINGS PURSUANT TO  
ORDINANCE NUMBER 16-2907 AND AFTER HOLDING A PUBLIC  
HEARING HELD ON A MORATORIUM ON OCTOBER 25, 2016.**

**BE IT RESOLVED AS FOLLOWS:**

The City of Prosser adopts the following findings to support that certain moratorium established by Ordinance Number 16-2972:

1. The City adopted Ordinance Number 14-2909 establishing zoning regulations for the location of certain medical cannabis or recreational marijuana businesses to locate on October 14, 2014.
2. Ordinance Number 14-2909 is currently codified in Chapter 18.90 of the Prosser Municipal Code.
3. The Governor of the State of Washington signed 2SSB 5052 on April 24, 2015, and HP 2136 on June 30, 2015 (collectively "Bills"), amending Washington's regulation of medical cannabis.
4. The Bills became effective on July 1, 2016.
5. The Washington State Liquor and Cannabis Board (WSLCB) rules provide for the issuance of licenses for a greater number of retail outlets for the sale of marijuana than was anticipated when the City Council passed Ordinance Number 14-2909.
6. The Bills have eliminated "collective gardens" currently regulated by PMC 18.90.040.
7. The Bills have replaced "collective gardens" with marijuana cooperatives where up to four patients may grow up to 60 plants.
8. It is in the best interests of the City and its citizens to impose a moratorium for a period of 6 months prohibiting the licensing and establishment of medical marijuana cooperatives in the interest of protection of public safety and health, and to provide more time to investigate this issue further to evaluate the best alternatives for the community.
9. The City Council has reviewed a draft map showing the amount of property within the City, which, despite the 1000-foot restriction, remains eligible for a licensed marijuana businesses to locate, thus demonstrating the significant impact these uses will have upon neighboring property owners.
10. The City Council held a public hearing on October 25, 2016, and took public testimony at that time.
11. There is a public concern regarding the number of and the location of retail marijuana stores in the City.
12. The City Council finds that the Prosser Planning Commission has the requisite expertise to evaluate the changes to the law created by the Bills and the WSLCB and make a recommendation to the City Council whether changes in the law require the amendment of Prosser's marijuana regulations.

**PASSED** by the City Council and **APPROVED** by the Mayor, this 8<sup>th</sup> day of November,  
2016.

  
RANDY TAYLOR, MAYOR PRO TEM  
Morgan Ellett

ATTEST:

  
RACHEL SHAW, CITY CLERK



APPROVED AS TO FORM:



HOWARD SAXTON, CITY ATTORNEY